

**BLAKELY  
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PARTNERSHIP INCLUDING  
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**Deliver to:** Examiner Tse W. Chen, Art Unit 2116  
**Firm Name:** U.S. Patent & Trademark Office  
**Fax Number:** 571-273-8300  
**From:** Michael J. Mallie **Operator:** Christopher Burnharte  
**Date:** August 1, 2006  
**App. No.:** 10/015,533  
**No. of pages:** 5 (including cover sheet)  
**Client/Matter:** 42P11062 **Docket Date:** NONE **Atty:** JDS

Dear Examiner:

Please find the following document(s) attached:

- 1) Notice of Appeal - original & copy (2 pages)
- 2) Fee Transmittal (1 page)

Thank you.

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

By: Christopher BurnharteDate: August 1, 2006**CONFIDENTIALITY NOTE**

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PTO/SB/17 (01-06)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 450.00**Complete if Known**

Application Number	10/015,533
Filing Date	December 11, 2006
First Named Inventor	Andrew J. Fish
Examiner Name	Tse W. Chan
Art Unit	2116
Attorney Docket No.	42P11062

**RECEIVED****CENTRAL FAX CENTER****AUG 01 2006****METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 02-2666

Deposit Account Name: Blakely, Sokoloff, Taylor &amp; Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

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**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
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Multiple dependent claims

360	180
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Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP =  $\frac{\text{Total Claims} - 20}{\text{Extra Claims}} \times \text{Fee} = \text{Fee Paid}$ 

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP =  $\frac{\text{Indep. Claims} - 3}{\text{Extra Claims}} \times \text{Fee} = \text{Fee Paid}$ 

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
--------------	--------------	--	----------	---------------

- 100 =  $\frac{\text{Total Sheets} - 100}{\text{Extra Sheets}} \div 50 = \text{Number of each additional 50 or fraction thereof}$  (round up to a whole number)  $\times \text{Fee} = \text{Fee Paid}$ **4. OTHER FEE(S)**

1) Extension for response within second month (Fee Code 1252)

Fees Paid (\$)
450.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	36,591	Telephone	408-720-8300
Name (Print/Type)	Michael J. Mallie			Date	August 1, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**AUG 01 2006**

## Patent

Attorney's Docket No.: 042390P11062

**In Re the Application of: Andrew J. Fish**

(inventor(s))

Application No.: 10/015,533

Filed: December 11, 2001

For: SYSTEM AND METHOD TO EXTEND FIRMWARE CAPABILITIES BY  
LOADING FIRMWARE EXTENSIONS FROM A BOOT MEDIA (AMENDED)  
 (title)

Group Art Unit: 2116

Examiner: Matthew Allan Henry

## NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

**Sir:**

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision dated July 21, 2006 of the Examiner rejecting claims 1-20

**The item(s) checked below are appropriate:**

XXX The following is the Notice of Appeal fee under 37 C.F.R § 1.17(b):

320.00 a. other than small entity: fee \$ 320.00

\_\_\_\_\_ b. small entity: fee \$ 160.00

           verified statement attached

\_\_\_\_\_ verified statement was filed \_\_\_\_\_

XXX A petition under 37 C.F.R. § 1.136(a) for an extension of time for reply to the rejection is enclosed along with a check for the fee for the extension of time.

Enclosed is a check in the amount of \$320.00 for the Notice of Appeal fee.

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on 8/1/2006

Date of Deposit

Christopher Burnharte

Name of Person Mailing Correspondence

8/1/2006

**Signature**

Date \_\_\_\_\_

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: August 1, 2006

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\_\_\_\_\_  
Michael Mallie  
Reg. No. 36, 591

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Patent

Attorney's Docket No.: 042390P11062In Re the Application of: Andrew J. Fish

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enclosed along with a check for the fee for the extension of time.       Enclosed is a check in the amount of \$320.00 for the Notice of Appeal fee.I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail  
with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington,  
D.C. 20231on 8/1/2006

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Christopher Burnharte

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Date: August 1, 2006

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